

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VAHN JALADIAN,

Plaintiff, No. CIV S-04-1304 LKK CMK P

vs.

C.A. HUGHES, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 9, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed June 9, 2006 are adopted in full;
2. Defendants' motion for summary judgment (doc. 32) is granted in part and denied in part;

a. Defendants' motion for summary judgment regarding plaintiff's claim that defendant Cribbs violated his Eighth Amendment rights on July 15, 2003 is denied;

b. Defendants' motion for summary judgment regarding plaintiff's claim that defendants Hughes, Rodriguez, Butler, Chandler, Grannis and Brown violated his Eighth Amendment rights on July 15, 2003 is granted;

c. Defendants' motion for summary judgment on plaintiff's claim that defendants violated his Eighth Amendment rights on November 23, 2003 is granted;

d. Defendants' motion for summary judgment on plaintiff's retaliation claim is granted; and

e. Defendants' motion for summary judgment on plaintiff's discrimination claim under Title VII of the ADA is granted.

DATED: September 11, 2006.

Lawrence K. Carlton
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT